

**APPLICATION REPORT – FUL/353109/24**  
**Planning Committee 16<sup>th</sup> October 2024**

Registration Date: 3<sup>rd</sup> July 2024  
Ward: Failsworth East

Application Reference: FUL/353109/24  
Type of Application: Full Application

Proposal: Erection of a new foodstore (Use Class E) with associated car parking and landscaping

Location: Land at Albert Street, Hollinwood

Case Officer: Graham Dickman  
Applicant: Lidl Great Britain Limited  
Agent: Rapleys

## **1. INTRODUCTION**

1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as a Major development which involves a departure from the development plan.

## **2. SITE DESCRIPTION**

2.1 This application relates to the north-east corner of a much larger formerly developed site. The application site covers approximately 0.7 hectares. It is largely characterised by un-maintained grassland with tree cover alongside the motorway boundary.

2.2 A former gasometer is located beyond the site boundary to the south-east.

2.3 Part of the wider original development site immediately to the west has been re-developed with a coffee shop and drive-through. Both it and the application site are served via a new roundabout junction and access link (Olive Claydon Way) from Albert Street. This is also intended to service the site to the south on which planning permission has been granted for a development of commercial units.

2.4 The site is adjoined by the M60 motorway to the east, with employment uses along Albert Street to the west.

## **3. THE PROPOSAL**

3.1 This is a full planning application for the erection of a new Lidl foodstore comprising 1,983m<sup>2</sup> gross internal area with a net sales area of 1,325m<sup>2</sup>. The building will be single storey, of a corporate design, and be located to the south end of the site.

3.2 111 car parking spaces, including 6 disabled spaces and 10 Parent & Child spaces, will be provided along with periphery landscaping.

## Environmental Impact Assessment

- 3.3 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 3.4 The proposal would represent an Urban Development Project within paragraph 10(b) of Schedule 2 of the Regulations. However, it would not exceed the applicable threshold of 5 hectares, nor is the site located within any impact distance of a 'sensitive area' as defined in the Regulations.
- 3.5 Consequently, an Environmental Statement is not required.

## **4. PLANNING HISTORY**

- FUL/351218/23 - Full planning application for the demolition of the gas holder, erection of employment development comprising five units (Use Class E(g) (ii) (iii) / B2 / B8 Uses) with ancillary E (g) (i) office space, car parking and vehicular, pedestrian circulation with access onto Olive Claydon Way. Approved 16 November 2023.
- RES/345747/20 - Approval of reserved matters for coffee shop with drive thru facility, external seating and associated car parking and service areas, pursuant to the outline planning permission PA/333717/13. Approved 3 February 2021.
- NMA/345548/20 - Non-material amendments to the highway layout approved with the reserved matters application PA/342681/18. Approved 12 November 2020.
- PA/342681/18 - Approval of reserved matters in respect of access for phase 1 highway and infrastructure works comprising details of the vehicular access from Albert Street including the two armed roundabout (roundabout No. 2) and estate road with junctions into plots B, C, D, E and F and underground attenuation tank to facilitate future phases of mixed use development pursuant to the outline planning permission PA/333717/13. Approved 11 April 2019.
- DM/341089/17 – Prior approval for demolition of redundant gasholder and associated buildings. Required and granted 1 February 2018.
- DM/339854/17 – Prior approval for demolition of redundant gasholder and associated buildings. Required and granted 30 March 2017.
- PA/333717/13 - Demolition of a gasholder and outline planning application for employment-led mixed use scheme to include: erection of buildings to provide B1/B2/B8 uses, supported by ancillary uses including A1, A3, A4, A5, C1 and D1, and associated engineering works, landscaping, car parking, open space and access from Albert Street. Access to be considered all other matters reserved. Approved 7 June 2013.

## **5. RELEVANT PLANNING POLICIES**

- 5.1 The Places for Everyone (PfE) Joint Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024.

5.2 The PfE Plan must now be considered in the determination of planning applications, alongside Oldham’s Joint Core Strategy and Development Management Development Plan Document adopted in November 2011 (referred to as the Local Plan in this report), in accordance with the National Planning Policy Framework (NPPF).

5.3 The following PfE policies are considered relevant to the determination of this application:

Places for Everyone

- Policy JP-S1 – Sustainable Development
- Policy JP-S2 – Carbon and Energy
- Policy JP-S4 – Flood Risk and the Water Environment
- Policy JP-S5 – Clean Air
- Policy JP-J1 – Supporting Long-Term Economic Growth
- Policy JP-G7 - Trees and Woodlands
- Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity

Policy JP-P1 - Sustainable Places

The site is located within a Business Employment Site on the Proposals Map associated with this document.

As such, the following policies are considered relevant to the determination of this application:

- Policy 9 – Local Environment
- Policy 13 – Employment Areas
- Policy 14 – Supporting Oldham’s Economy

## 6. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Highways	No objection subject to the provision of secure cycle storage.
National Highways	No objection
Environmental Health	Recommend that a contamination land and landfill gas condition is included on any approval.
G M Ecology Unit	No objection subject to the requirement for statutory 10% gain in BNG and measures to protect bats and other species which may use the site.
Trees Officer	Requests further information regarding the impact on off-site trees.
United Utilities	Unless a detailed drainage scheme is submitted in advance of the grant of permission, a suitable condition should be imposed.
Manchester City Council	No comments received

## **7. PUBLICITY AND THIRD-PARTY REPRESENTATIONS**

- 7.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised by press and site notice and letter to the neighbouring business.
- 7.2 No representations have been received.

## **ASSESSMENT OF THE PROPOSAL**

### **8. PRINCIPLE OF DEVELOPMENT**

- 8.1 The application site comprises previously developed land forming part of a wider Business and Employment redevelopment for which an outline permission remains extant.
- 8.2 The outline approval included a Parameters Plan which indicated that the northern portion of the site could be developed for a variety of uses. One of those uses was the former Class A1 (retail). The retail use was subject to a maximum of 5,000m<sup>2</sup> of floorspace to align with the limitation allowed under Local Plan Policy 14.
- 8.3 The present scheme includes a gross internal area of 1,983m<sup>2</sup>, with a net sales area of 1,325m<sup>2</sup>. It would therefore significantly exceed the policy threshold. 80% of the floorspace would be for convenience goods.
- 8.4 A robust Planning & Retail Statement has been submitted which has regard to the Oldham Retail & Leisure Study.
- 8.5 Therefore, it is considered that, having regard to the retail centres assessed, the development will not have any significant adverse impacts to their vitality and viability. As a result, the development would comply with Local Plan Policy 15 and NPPF paragraph 94.

### **9. DESIGN AND APPEARANCE**

- 9.1 The proposed new store is a single-storey building, of contemporary design, and features a single height glazed curtain walling in grey and insulated metal cladding panels in white.
- 9.2 The local area has a wider mix of commercial building styles. In this context, the layout and materials used are considered to be in keeping with the surroundings.

### **10. IMPACT ON TREES AND BIODIVERSITY**

- 10.1 In accordance with the requirements of the Environment Act 2021, the development will be required to secure a biodiversity net gain of at least 10%.
- 10.2 An Ecological Impact Assessment has been submitted along with a Biodiversity Net Gain Metric, Design Stage Report, and BNG Strategy Note.

- 10.3 The Metric shows a loss of 67% and on-site alternatives cannot be provided.
- 10.4 The details of the applicant's proposals to meet the target off-site have been assessed by GM Ecology Unit (GMEU) which confirms that the applicant's ecologist has followed the mitigation hierarchy and has shown an intent to source offset units within the same local planning authority or national character area as the habitat loss. In the present context, GMEU is satisfied for the application to proceed to determination, subject to conditions in relation to nesting birds and reasonable avoidance measures to protect species using the site.
- 10.5 Nevertheless, the statutory Biodiversity Gain Condition will continue to apply to any permission to require the submission of a comprehensive Biodiversity Gain Plan before the development commences.
- 10.6 In respect of the impact on trees, the Council's Trees Officer has requested further information in respect of the protection of trees adjoining the site. Consequently, a condition is recommended requiring such details prior to the commencement of development.
- 10.7 In addition, a Landscaping Scheme has been submitted and this will be required to be implemented in order to soften the appearance of the site.

## **11. HIGHWAYS MATTERS**

- 11.1 NPPF paragraph 115 states that "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".
- 11.2 The application is accompanied by a Transport Assessment which concludes that the proposed development will not result in any impact with regard to the safety or capacity of the local highway network.
- 11.3 Improvements to pedestrian routes between the site and the nearby Hollinwood tram stop have previously been implemented, whilst further improvements along Albert Street will be implemented as part of the adjacent approved development on the site to the south.
- 11.4 This has been assessed by the Council's Highways Officer who concurs with the findings.

## **12. AMENITY IMPACTS**

- 12.1 Noise and Air Quality Assessments have been submitted with the application.
- 12.2 The closest residential properties are located approximately 110 metres to the east across the M60 motorway. In this context, there are no anticipated adverse impacts which are likely from the development and subsequent use of the site.

### **13. GROUND CONDITIONS AND DRAINAGE**

- 13.1 A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application.
- 13.2 This report demonstrates that the proposed development is not at significant flood risk, and mitigation measures have been recommended to address any residual risks that may remain. It is therefore considered that the proposal complies with Policy 19 of the Development Plan.
- 13.3 Phase 1 and Phase 2 Ground Investigation Reports have been submitted. The Environmental Health Officer has considered the reports. The Preliminary Risk Assessment and Site Investigation is acceptable. It is recommended that the contaminated land condition is added to any approval to include the need for additional information and for the site works and for a Validation report on completion.

### **14. CONCLUSION**

- 14.1 The proposed use would accord within the previously established principles for redevelopment of the site. The increased size of the store in relation to the previously set out policy and planning permission has been assessed in regard to its impact on the wider retail function of the area and this impact is deemed to not be significant.
- 14.2 Furthermore, the redevelopment of this previously developed site in a highly sustainable location will assist in the regeneration of the wider site bringing additional employment and services to the local area.
- 14.3 There will be no adverse impacts in relation to traffic generation, amenity, ground conditions, drainage, or ecology which cannot be adequately addressed with by mean of planning conditions. In this context the development will be satisfactory.

### **15. RECOMMENDED CONDITIONS**

- 1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
- 3. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
  - i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
  - ii. A restricted rate of discharge of surface water agreed with the local planning

- authority (if it is agreed that infiltration is discounted by the investigations);
- iii. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
  - iv. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
  - v. Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

REASON - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution having regard to Policy JP-S4 of the Places for Everyone Joint Development Plan.

4. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
  - i. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
  - ii. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

REASON - To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development having regard to Policy JP-S4 of the Places for Everyone Joint Development Plan.

5. No development shall commence unless and until a site investigation and assessment into landfill gas risk and ground contamination has been carried out and the consultant's written report and recommendation have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition. REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.
6. No works to trees or shrubs shall take place between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority. REASON - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act

1981 having regard to Policy 21 of the Oldham Local Plan.

7. No external lighting shall be installed unless the prior written approval of the Local Planning Authority has been obtained. REASON - In order to prevent undue disturbance to bats and other fauna which may forage and commute through the site having regard to Policy JP-G8 of the Places for Everyone Joint Development Plan.
8. Prior to any earthworks, vegetation clearance or demolition a reasonable avoidance measures method statement for amphibians, reptiles and mammal shall be supplied to and agreed in writing by the Local Planning Authority. REASON - In order to prevent undue disturbance to bats and other fauna which may forage and commute through the site having regard to Policy JP-G8 of the Places for Everyone Joint Development Plan.
9. All hard and soft landscape works shall be carried out in accordance with the approved plan Ref: R-2733-1 prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9 and 21 of the Oldham Local Plan.
10. No development, including site clearance, shall be commenced until an Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted to and approved in writing by the Local planning Authority. The development shall be implemented in full accordance with the approved measures. REASON - In order to secure the protection of existing trees on or adjoining the site having regard to Policy JP-G7 of the Places for Everyone Joint Development Plan.
11. The use of the building hereby approved shall not commence until a scheme for the provision of secure cycle parking has been implemented in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority. The approved facility shall remain available for users of the development thereafter. REASON - In order to promote sustainable means of travel having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan.



**SITE LOCATION PLAN (NOT TO SCALE)**

